was convicted and adjudged guilty of burglary. *Held,* that one who is privileged to enter premises cannot be guilty of breaking into them, and so may not be convicted of burglary. *Davis v. Commonwealth* (1922, Va.) 110 S. E. 356.

When, by the use of force, however slight—e. g. the turning of a key—one enters a house at a time in the night when he is authorized to enter, and in an outward manner which is authorized, but with an intent to steal, there is conflict in authority as to whether he is guilty of breaking into the house, and consequently whether he is guilty of burglary. The books sometimes make a nice, but unjust, distinction, that though it is burglary if a servant enter with intent to steal, at a time and in a manner authorized, yet if a joint occupier enters with like intent it is not burglary. See L. R. A. 1915 D, 1015, note; 9 C. J. 1016. In at least one case where the culprit was both servant and joint occupier, his state of servanthood weighed more in the balance against him than his joint occupancy for him. *State v. Howard* (1902) 64 S. C. 344, 42 S. E. 173; *contra,* 2 Bishop, *Criminal Law* (8th ed. 1892) sec. 97, note 12. The instant case apparently extends the immunities of a joint occupier to an intimate family friend.

EMPLOYERS' LIABILITY ACT—NO ASSUMPTION OF RISK OF INJURY FROM UNFORESEEABLE NEGLIGENCE OF FELLOW SERVANT.—While assisting in the movement of an interstate train in the yards of the defendant railway company, the plaintiff's intestate was killed through the negligence of a fellow servant. The plaintiff sued under the Federal Employers' Liability Act. Act of April 22, 1908 (35 Stat. at L. 65). The lower court held that the deceased had assumed the risk of injury from such negligence and that the defendant was not liable. The plaintiff appealed. *Held,* that the ruling was erroneous, since under the federal act an employee does not assume the risk of unforeseeable negligence of a fellow servant. *Reed v. Director-General of Rys.* (1922) 42 Sup. Ct. 191.

The Federal Employers' Liability Act abrogated the common-law fellow-servant doctrine. *Illinois Cent. Ry. v .Skaggs* (1916) 240 U. S. 66, 36 Sup. Ct. 249; Boyd, *Workmen's Compensation Acts* (1916) 25 YALE LAW JOURNAL, 556. Although the earlier decisions of some federal and state courts held that under the federal act an employee never assumed the risk of injury from the negligence of a co-employee, the more recent cases have applied the rule of the instant case. See *Chicago, R. I. & P. Ry. v. Ward* (1920) 252 U. S. 18, 40 Sup. Ct. 275; *Ewig v. Chicago, M. & St. P. Ry.* (1918) 167 Wis. 597, 167 N. W. 442; 1 Roberts, *Federal Liabilities of Carriers* (1918) sec. 560.

EVIDENCE—ADMISSIBILITY OF PRICE OF ADJACENT LAND IN EMINENT DOMAIN PROCEEDINGS.—In an eminent domain proceeding, the defendant was allowed to introduce evidence of the sales of other land of similar character in the vicinity for the purpose of showing the value of his own land. *Held,* that the evidence was admissible. *Virginian Power Co. v. Brotherton* (1922, W. Va.) 110 S. E. 546.

Practically all jurisdictions admit evidence of this nature in the discretion of the court when from the similarity of circumstances it is relevant and the tendency to raise collateral issues is not too great. *Forest Preserve Dist. v. Kean* (1921) 298 Ill. 37, 131 N. E. 117; *Lewisburg Ry. v. Hinds* (1916) 134 Tenn. 293, 183 S. W. 985; 1 Wigmore, *Evidence* (1904) sec. 463. Such evidence is not admissible in Pennsylvania and New York. *Pennsylvania Co. v. Philadelphia* (1920) 268 Pa. 559, 112 Atl. 76; *Robinson v. New York Elevated Ry.* (1903) 175 N. Y. 219, 67 N. E. 431 (discussing New York's peculiar rule); see also *State v. Wright* (1921) 105 Neb. 617, 181 N. W. 539. Where the other sales were not voluntary as under prior condemnation proceedings, such evidence is uniformly rejected. *State v. Wright, supra; Bonaparte v. City of Baltimore* (1917) 131 Md. 80, 101 Atl. 594. Likewise evidence of previous offers to sell is regularly rejected because of its slight probative value. *Sharp v. United States* (1903) 191 U. S. 341, 24 Sup. Ct. 114. See (1915) 25 YALE LAW JOURNAL, 83.